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on 6/4/2003

Date

Brian C. McCormack  
Signature

Brian C. McCormack, Reg. No. 36,601

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Typed or printed name of person signing Certificate

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Request for Refund for Application S/N 09/844,483

This collection of information is required by 37 CFR 1.8. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1.6 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Shah et al.  
Application No: 09/844,483  
Filing Date: April 27, 2001  
Examiner: Not Yet Assigned  
Group Art No: 2121  
Attorney Docket Number: 68110328.712  
For: Non-additive Measures and Metric Calculation

US PATENT & TRADEMARK  
OFFICE

MAY 29 2003

OFFICE OF THE  
REFUND DIVISION

*Via Facsimile 703/308-5077*  
Mail Stop 16  
Commissioner of Patents  
P.O. Box 1450  
Arlington, VA 22313-1450

**REQUEST FOR FEE REFUND**

Dear Sir:

Applicants hereby request a request a refund for electronic payment of an Information Disclosure Statement and state as follows:

1. On May 29, 2003, Applicants electronically filed an Information Disclosure Statement in the above-identified patent application pursuant to 37 CFR §1.97(b) as evidenced by the electronic Acknowledgement Receipt attached as Exhibit 1.

2. 37 CFR §1.97(b) states:

An information disclosure statement shall be considered by the Office if filed by the applicant within any one of the following time periods:

(1) Within three months of the filing date of a national application other than a continued prosecution application under §1.53(d);

REQUEST FOR FEE REFUND

DALLIB1. 458466.1  
6/4/03

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U.S. Patent Application No. 09/844,483  
Attorney Docket No.: 68110328.712

- (2) Within three months of the date of entry of the national stage as set forth in §1.491 in an international application;
  - (3) Before the mailing of a first Office action on the merits; or
  - (4) Before the mailing of a first Office action after the filing of a request for continued examination under §1.114.
3. No fee is required under 37 CFR §1.97(b).
  4. No Office action has been issued as evidenced by the File Contents History attached as Exhibit 2.
  5. At the time the electronic submission was filed, the ePAVE program would not accept the validation of the submission without the submission of fee information. Applicants submitted Deposit Account Information including the following comments:

This Information Disclosure Statement is being filed electronically *prior to the receipt of the first office action*. Applicants do not believe that any fees are due at this time. Applicants believe that the fee in the amount of \$180 being charged for this electronic submission is in error. Applicants respectfully request that this charge be reviewed prior to withdrawal from the deposit account. However, the Commissioner is hereby authorized to withdraw the fee if required.
  6. A withdrawal from Deposit Account No. 13-0480 in the amount of \$180 was made on May 29, 2003 as evidenced by the Deposit Account Statement attached as Exhibit 3.
  7. The withdrawal in the amount of \$180 from Deposit Account No. 13-0480 was in error as no fee was required for the submission of the Information Disclosure Statement pursuant to 37 CFR 1.97(b)(3).

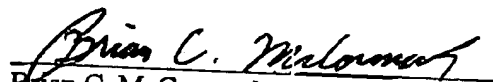
Applicants respectfully request a refund in the amount of \$180 be credited to Deposit Account 13-0480, Attorney Docket No. 68110328.712. Applicants believe that no fees are

U.S. Patent Application No. 09/844,483  
Attorney Docket No.: 68110328.712

required in connection with this filing. However, to the extent that fees are required, the Commissioner is authorized to charge those fees, or credit any overpayment to Account No. 13-0480, Attorney Docket No. 68110328.712.

Should the Examiner have any questions with regard to this refund, a telephone conference with the below-signed attorney of record is respectfully requested.

Respectfully submitted,

  
Brian C. McCormack  
Reg. No. 36,601

ATTORNEY FOR APPLICANT

Date: June 4, 2003  
BAKER & MCKENZIE  
2001 Ross Avenue, Suite 2300  
Dallas, TX 75201  
214/978-3007  
214/978-3099 fax

Exhibit 1

UNITED STATES PATENT AND TRADEMARK OFFICE  
ACKNOWLEDGEMENT RECEIPT

Electronic Version 1.1

Stylesheet Version v1.1.1

## Title of Invention

NON-ADDITIVE MEASURES AND METRICS CALCULATION

Submission Type:

Information Disclosure Statement

Application Number:

09/844483

EFS ID:

41149

Server Response:

\*09/844483\*

Confirmation Code	Message
ISVR1	Successfully received the submission
ICON1	9127
ISYS5	Filename= N/A BusinessRule= Validation System/Function Call Information. #Supporting Msg:Server unable to validate the Confirmation/Application numbers at this time. They will be checked by PTO personnel later.

First Named Applicant:

Arun Shah

Attorney Docket Number:

Timestamp:

2003-05-29 12:44:20 EDT

From:

us

File Listing:

Doc. Name	File Name	Size (Bytes)
us-fee-sheet	Brio712-usfees.xml	1383

Exhibit 1

us-fee-sheet	us-fee-sheet.xml	24912
us-fee-sheet	us-fee-sheet.dtd	10901
us-ids	Brio712-usidst.xml	3790
us-ids	us-ids.dtd	7763
us-ids	us-ids.xml	12026
package-data	Brio712-pkda.xml	2754
package-data	package-data.dtd	27025
package-data	us-package-data.xml	19263
Total files size		109817

## Message Digest:

ac1de90efb24ea0e9ec945ec8d19918a65dba88d

## Digital Certificate Holder

## Name:

cn=Brian Charles McCormack,ou=Registered Attorneys,ou=Patent  
and Trademark Office,ou=Department of Commerce,o=U.S.  
Government,c=US

Exhibit 2



## UNITED STATES PATENT AND TRADEMARK OFFICE

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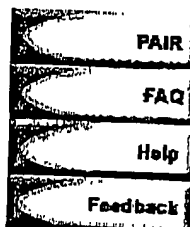
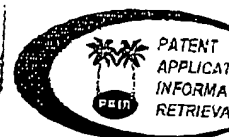
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Search

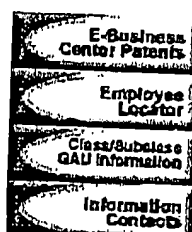
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## PATENT APPLICATION INFORMATION RETRIEVAL



## Other Links



Search results for application number: 09/844,483			
Filing or 371(c) Date:	04-27-2001	Class / Sub Class:	705/007.000
Issue Date of Patent:		Location:	REPOSITORY CENTRAL FILES OVI FOR TC'S 1700, 2100, 2600, 2800 &
Examiner Name:	HECK, MICHAEL C	Status:	Docketed New Case - Ready for Ex:
Group Art Unit:	3623	Attorney Docket Number:	68110328.712
Earliest Publication No:	US 2002-0038229 A1	Patent Number:	
Earliest Publication Date:	03-28-2002	Customer Number:	23562
Confirmation Number:	9127		

Continuity Data

Publication Review

Full-text and Images

File Contents History		
Number	Date	Contents Description
13	12-23-2002	Information Disclosure Statement (IDS) Filed
12	12-20-2002	Case Docketed to Examiner in GAU
11	10-03-2002	Information Disclosure Statement (IDS) Filed
10	04-23-2002	Case Docketed to Examiner in GAU
9	08-21-2001	Information Disclosure Statement (IDS) Filed
8	10-18-2001	Case Docketed to Examiner in GAU
7	09-20-2001	Application Dispatched from OIPE
6	06-22-2001	Application Is Now Complete
5	06-22-2001	Incomplete Application under Rule 53(b) - Filing Date Assigner
4	06-22-2001	Correspondence Address Change
3	06-22-2001	Correspondence Address Change
2	05-09-2001	Application Scanned
1	04-27-2001	Initial Exam Team nn

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Exhibit 3

**Deposit Account Statement**

Requested Statement Month:

May 2003

Deposit Account Number:

130480

Name:

BAKER &amp; MCKENZIE

Attention:

ATTN: JOHN G FLAIM

Address:

2001 ROSS AVENUE

City:

DALLAS

State:

TX

Zip:

75201

DATE	SEQ	POSTING REF TXT	ATTORNEY DOCKET NBR	FEE CODE	AMT	BAL
05/13	340	PCT/US03/14269	67411811.1074PCT	1601	\$240.00	\$6,250.00
05/13	341	PCT/US03/14269	67411811.1074PCT	1602	\$700.00	\$5,550.00
05/13	342	PCT/US03/14269	67411811.1074PCT	1702	\$476.00	\$5,074.00
05/13	343	PCT/US03/14269	67411811.1074PCT	1707	\$520.00	\$4,554.00
05/13	344	PCT/US03/14269	67411811.1074PCT	8007	\$20.00	\$4,534.00
05/15	46	60470158	95121961.208000	2005	\$80.00	\$4,454.00
05/20	4	75932422		6005	\$100.00	\$4,354.00
05/28	48	09844706	68110328.713	1806	\$180.00	\$4,174.00
05/29	12	09837114	68110328.707	1806	\$180.00	\$3,994.00
05/29	35	09844717		1806	\$180.00	\$3,814.00
→ 05/29	36	09844483		1806	\$180.00	\$3,634.00
05/29	37	09844700	68110328.710	1806	\$180.00	\$3,454.00
05/29	38	09844488	68110328.711	1806	\$180.00	\$3,274.00
05/29	45	09844680	68110328.709	1806	\$180.00	\$3,094.00

START  
BALANCE  
\$6,490.00

SUM OF  
CHARGES  
\$3,396.00

SUM OF  
REPLENISH  
BALANCE  
\$0.00

END  
BALANCE  
\$3,094.00

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